

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DROPLETS, INC.

v.

OVERSTOCK.COM, INC., et al

§  
§  
§  
§  
§

Case No. 2:11-CV-401-JRG-RSP

**ORDER**

Before the Court are Defendants’ Objections and Motion for Reconsideration of Magistrate Judge Payne’s Claim Construction Memorandum and Order (“Defendants’ Objections”) (Dkt. No. 232) and Plaintiff Droplets, Inc.’s Motion for Reconsideration of Magistrate Judge Payne’s Claim Construction Memorandum and Order (“Plaintiff’s Objections”) (Dkt. No. 233). In the Magistrate Judge’s Claim Construction Memorandum and Order (“Claim Construction Order”) (Dkt. No. 219), the Magistrate Judge issued an order construing certain claim terms of United States Patents No. 6,687,745; 7,502,838; and 8,402,115. After reviewing Plaintiff’s Objections and Defendants’ Objections, and finding no part of the Claim Construction Order to be “clearly erroneous or contrary to law,”<sup>1</sup> both Plaintiff’s and Defendants’ requests for reconsideration of the Memorandum Opinion are **DENIED**.

In its objections, Defendants object to the construction of the terms “Operating Environment Terms / Client Device Information,” “Real-Time Pull of Update Information,” “Computer Program Code / Program Code,” Storing on the Client Computer,” “Re-establishing the [Second] Communication Connection,” and “User Interface Information.” In its objections, Plaintiff objected to the terms “Interactive Link / Link,” “Storing, On the Client Computer, [a/an] [interactive] link,” and “Computer Program Code / Program Code.”

---


<sup>1</sup> 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a).

Upon review of the parties' objections, this Court observes that the Magistrate Judge's opinion properly construed these terms. Because the findings of the Magistrate Judge were neither clearly erroneous nor contrary to the law, the Court need not modify or set aside any part of the Memorandum Opinion in light of the parties' objections. *See* FED. R. CIV. P. 72(a).

Accordingly, Defendants' Objections (Dkt. No. 232) are overruled and its request for reconsideration of the Claim Construction Order should be, and is hereby, **DENIED**. Similarly, Plaintiff's Objections (Dkt. No. 233) are overruled and its request for reconsideration of the Claim Construction Order should be, and is hereby, **DENIED**.

**So Ordered and Signed on this**

**Nov 29, 2014**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE